

March 1, 2010

To: White House Council on Environmental Quality

Subject: Santa Clara Valley Water District (San Francisco Bay Area, California) Comments on December 2009 release of Proposed Principles and Standards

The Santa Clara Valley Water District (District) is a local agency engaged in comprehensive management of water resources in a practical, cost-effective and environmentally sensitive manner. We have a decades-long history of working cooperatively with the Corps on projects that reduce the risk of flooding for Silicon Valley and neighboring communities. We bring broad technical resources, local insight, community relevance and many other resources into every federal-local cooperative project we undertake.

We understand that many of the details related to applying these Principles will be developed and presented in forthcoming Guidance documents. Some of our comments are also intended to assist in your development of those documents.

We applaud the following changes and encourage full development of these ideas:

1. Expanding project selection criteria beyond NED, to include social and environmental benefits;
2. Including a full analysis of nonstructural approaches, including a commitment to communicate risks, residual risks and means of mitigating risks in floodplains;
3. Acknowledging Public Safety as an important parameter in Alternative evaluation. This should also be specifically acknowledged as important in authorizing new studies. This category can be given a more thorough description within the Principles section; it is nicely outlined in Chapter 2, Section 3,I-3(b)2 (page 20);
4. Acknowledging the importance of Environmental Justice;
5. Dissuading the conduct of unneeded studies, and encouraging the planning process to identify value added for each investigation conducted;
6. Encouraging the use of professional judgment, along with sound rationale and documentation of assumptions, where data may be lacking;
7. Encouraging inclusion of plans developed by others as alternatives, especially when those plans have been vetted publicly (i.e., complied with NEPA).

8. Incorporating climate change and sea-level rise into the planning process. Other potential factors related to climate change should also be factored into the future conditions analysis, such as more frequent or intense storm events and related changes in erosion and sediment deposition patterns.

We seek closer concurrence on the following ideas:

1. Defining a strong role for local partners; acknowledging community connections and strong technical capacity where present. Acknowledging the limited resources of local partners as a “resource constraint,” where applicable;
2. Defining goals and methods to limit the length of time (and money) spent on Planning Studies;
3. Clarifying project authorization criteria – the old NED process allowed for an unambiguous decision-making tool. In expanding the National Objectives, it must be very clear how new studies will be authorized, lest it become merely a political process;
4. Clarifying decision points within the Planning process – this will foster a well-defined, finite and defensible planning route. As a local partner, our elected Board of Directors, our partner Cities and the communities we all serve place a very high value on expediency. The planning process must provide crystal clear guidance to planners and follow a logical, predictable sequence. We have repeatedly found that any ambiguity in the federal planning process tends to slow down the project;
5. Clarifying Alternative Selection Criteria – again, the old NED process provided an unambiguous metric; multi-objective projects won’t be so clear-cut. The Santa Clara Valley Water District has developed a repeatable process to evaluate nine different objectives when rating and selecting between viable water resource management alternatives. We believe you will find helpful insight in our detailed guidance document, *“Guidance on Alternative Evaluation and Selection for Natural Flood Protection Projects,”* attached separately with this letter;
6. Caution when limiting data age to 5 years when project studies typically take much longer than that. We would support a 5-year age limit on data if the Guidelines were to require planning processes to be completed in less than four years;
7. Clear acknowledgement that Federal projects must also meet State and Local standards and regulations. The process must include clear guidance for those situations when the Federally-preferred project would not be legally possible to implement because of the State or Local regulatory environment.

We have the following comments on the structure of the document:

1. **National Objectives:** The Prologue / Cover document creates confusion because it is the only place where the National Objectives are spelled out. The vital and central National Objectives should be *more* clearly spelled out (e.g. in bullet form) and included in the body of the Principles and Standards, so that they can be found in the Table of Contents.
2. **Terms and Hierarchical Structure:** We have noticed that this version of the Principles & Standards sometimes blurs the line between policy and process; we would like to see a clear definition of hierarchical terms such as Principles, Objectives, Policy, Guidelines, Standards and Process, including how they are used and inter-related in this document. For example, “Principles” A through M seem to mix process and policy. Other terms that seem to be used interchangeably – to confusion – include Study, Project and Alternative. We advocate strongly for clear, unambiguous language that translates into clear, unambiguous process guidance.

Thank you for the opportunity to comment on the December 2009 version of the proposed Principles and Standards for Federal Water Resource Projects. We look forward to further developments in this process.

Sincerely,

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Attachment (1): Guidance on Alternative Evaluation and Selection for Natural Flood Protection Projects
(A standard guide for evaluating multiple-objective water resources projects at the
Santa Clara Valley Water District)